

u/s p/s

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 18 U.S.C. §§ 2252A(a)(2) & (b)(1) - Distribution of Child  
 Pornography; 18 U.S.C. §§ 2252A(a)(5)(B) & b(2) - Possession  
 of Child Pornography; 18 U.S.C. § 1951 - Attempted  
 Extortion; 18 U.S.C. § 2253 - Criminal Forfeiture

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY: SEE ATTACHMENT



Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JUN 24 2010

**DEFENDANT**

JAMES DALE BROWN

 RICHARD W. WIERING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

DISTRICT COURT NUMBER

CR10-00488

PJH

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW  
DOCKET NO.
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under
**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA JOSHUA HILL

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

**Penalty Sheet Attachment**

*United States v. James Dale Brown*

**COUNT ONE**

18 U.S.C. §§ 2252A(a)(2) & 2252A(b)(1)  
(Distribution of Child Pornography)

Imprisonment:	Mandatory minimum 5 years; Maximum 20 years
Fine:	Maximum \$250,000
Supervised Release:	3 years
Special Assessment:	\$100

**COUNT TWO**

18 U.S.C. §§ 2252A(a)(5)(B) & 2252A(b)(2)  
(Possession of Child Pornography)

Imprisonment:	Maximum 10 years
Fine:	Maximum \$250,000
Supervised Release:	3 years
Special Assessment:	\$100

**COUNT THREE**

18 U.S.C. § 1951  
(Attempted Extortion)

Imprisonment:	Maximum 20 years
Fine:	Maximum \$250,000
Supervised Release:	3 years
Special Assessment:	\$100

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**CR10-00488**

**PJH**

UNITED STATES OF AMERICA,

v.



JAMES DALE BROWN,  
a/k/a "Bob Lewis,"

**FILED**

**JUN 24 2010**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DEFENDANT.

INDICTMENT

18 U.S.C. §§ 2252A(a)(2) & (b)(1) - Distribution of Child  
Pornography; 18 U.S.C. §§ 2252A(a)(5)(B) & b(2) -  
Possession of Child Pornography; 18 U.S.C. § 1951 -  
Attempted Extortion; 18 U.S.C. § 2253 - Criminal Forfeiture

A true bill.

*Walter Bodley*

Foreman

Filed in open court this 6/24/2010 day of

*J. Smith*

Clerk

Bail, \$

*no bail arrest warrant*

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

**FILED**

JUN 24 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**PJH**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DALE BROWN,  
a/k/a "Bob Lewis,"

Defendant.

**CR10-00488**

VIOLATIONS: 18 U.S.C. §§ 2252A(a)(2)  
& (b)(1) - Distribution of Child  
Pornography; 18 U.S.C. §§ 2252A(a)(5)(B)  
& b(2) - Possession of Child Pornography;  
18 U.S.C. § 1951 - Attempted Extortion; 18  
U.S.C. § 2253 - Criminal Forfeiture

OAKLAND VENUE

INDICTMENT

The Grand Jury charges that at all times material to this Indictment:

1. The "Internet" is a worldwide, publicly accessible series of interconnected computer networks that transmit data for the purpose of sharing information across state and international borders.

2. "Facebook" is an Internet social networking application that allows individual users to communicate with other users via, for example, email messages, posts, visual displays, and personal updates.

3. An individual Facebook user is identified on Facebook by his or her "username,"

*[Handwritten signature]*

1 which may not be the user's true name.

2 4. Defendant JAMES DALE BROWN adopted the username "Bob Lewis" on  
3 Facebook.

4 5. From December 26, 2008 through April 19, 2009, defendant JAMES DALE  
5 BROWN, a/k/a Bob Lewis, communicated, and attempted to communicate, via Facebook with a  
6 minor female identified herein as Jane Doe, who was located in a state outside of California.  
7 BROWN, a/k/a Bob Lewis, demanded that Jane Doe send him a video of Jane Doe engaging in  
8 sexually explicit conduct.

9 COUNT ONE: (18 U.S.C. §§ 2252A(a)(2) & (b)(1) - Distribution of Child Pornography)

10 6. On or about April 18, 2009, in the Northern District of California, the defendant,  
11 JAMES DALE BROWN,  
12 a/k/a "Bob Lewis,"  
13 did knowingly distribute child pornography and material that contained child pornography, as  
14 defined in Title 18, United States Code, Section 2256(8), that had been mailed and shipped and  
15 transported in interstate and foreign commerce by any means, including by computer.

16 All in violation of Title 18, United States Code, Sections 2252A(a)(2) and (b)(1).

17 COUNT TWO: (18 U.S.C. §§ 2252A(a)(5)(B) & b(2) - Possession of Child Pornography)

18 7. On or about April 23, 2009, in the Northern District of California, the defendant,  
19 JAMES DALE BROWN,  
20 a/k/a "Bob Lewis,"  
21 did knowingly possess material that contained an image of child pornography, as defined in Title  
22 18, United States Code, Section 2256(8), that had been mailed, and shipped and transported in  
23 interstate and foreign commerce by any means, including by computer, and that was produced  
24 using materials that had been mailed, and shipped and transported in interstate and foreign  
25 commerce by any means, including by computer.

26 All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).

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1 COUNT THREE: (18 U.S.C. § 1951 - Attempted Extortion)

2 8. Beginning on or about December 26, 2008, through April 19, 2009, in the  
3 Northern District of California, the defendant,

4 JAMES DALE BROWN,  
5 a/k/a "Bob Lewis,"

6 did attempt to obstruct, delay and affect commerce and the movement of articles and  
7 commodities in such commerce by extortion, as those terms are defined in Title 18, United States  
8 Code, Section 1951, that is, the defendant attempted to obtain the property of Jane Doe, with  
9 Jane Doe's consent induced by the wrongful use of force, violence, and fear.

10 All in violation of Title 18, United States Code, Section 1951.

11 FORFEITURE ALLEGATION: (18 U.S.C. § 2253 - Criminal Forfeiture)

12 9. The factual allegations contained in Paragraphs 1 through 7 of this Indictment are  
13 hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging  
14 forfeiture pursuant to Title 18, United States Code, Section 2253.

15 10. Upon conviction of the offenses alleged in Counts One and Two, above, the  
16 defendant,

17 JAMES DALE BROWN,  
18 a/k/a "Bob Lewis,"

19 shall forfeit to the United States his interest in: (1) any visual depiction or other matter containing  
20 such visual depiction or image of child pornography which was produced, transported, mailed,  
21 shipped, distributed, received, or possessed as alleged in Counts One and Two of this Indictment;  
22 (2) any property, real or personal, constituting or traceable to gross profits or other proceeds  
23 obtained from the offenses alleged in Counts One and Two of this Indictment; and (3) any  
24 property, real or personal, used or intended to be used to commit or to promote the commission  
25 of the offenses alleged in Counts One and Two of this Indictment.

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11. If, as a result of any act or omission of the defendant, any of said property
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendant has in any other property, up to the value of the property described in paragraph 10 above, shall be forfeited to the United States pursuant to Title 21, United States Code, Section 853(p).

All in violation of Title 18, United States Code, Section 2253.


DATED: June 24, 2010

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
MAUREEN BESSETTE  
Chief, Oakland Branch

(Approved as to form: )

AUSA JOSHUA HILL